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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,441

Applicant(s)

GLAVICH ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8, 9, 11-19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al (USPN 6,491,584) in view of Hedrick et al (USPN 6,135,884).

Regarding claims 1, 3, 5, 13-19, 21- 24, Graham discloses a game device comprising a processor, a display device controlled by the processor, a primary game controlled by the processor, a secondary game controlled by the processor, a secondary game triggering event in the primary game which triggers the secondary game and a secondary game re-triggering event in the secondary game which re-triggers the secondary game by disclosing in col. 1:29-45 & col. 2:54-59, according to the invention, there is provided a gaming machine having a display means and a game control means arranged to control images displayed on the display means, the game control means being arranged to play a game wherein random events are caused to be displayed on the display means and, if a predefined winning event results, the machine awards a prize, the gaming machine being characterized in that if the predefined result includes a trigger condition which results in an initial series of free games awarded to a player and, during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus

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feature, is awarded and implemented immediately during the existence of the initial series of free games with the bonus feature applicable to said subsequent series of free games being applied to the remaining games of the initial series of free games as well as to the games of the subsequent series of free games. Referring now to FIG. 2 of the drawings, a control means or control circuit 40 is illustrated. A program, which implements the game and user interface, is run on a processor 42 of the control circuit 40. The processor 42 forms part of a controller 44, which drives the screen of the video, display unit 14 and which receives input signals from sensors 46. Graham discloses the secondary game re-trigger is selected from the group consisting of at least one re-trigger of the secondary game, at least one additional spin in the secondary game, at least one additional turn in the secondary game by disclosing in col. 1:35-45, the gaming machine being characterized in that if the predefined result includes a trigger condition which results in an initial series of free games awarded to a player and, during the initial series of free games, *another* trigger condition arises, a *subsequent* series of *free games*, including a bonus feature, is awarded and implemented immediately during the existence of the initial series of free games with the bonus feature applicable to said subsequent series of free games being applied to the remaining games of the initial series of free games as well as to the games of the subsequent series of free games. Graham, in col. 1:55-67 and col. 2:1-26, discloses triggering the bonus game upon the display of a predetermined combination of bonus triggering symbols, an accumulator in the secondary game to accumulate secondary game symbols, an accumulated symbol display that displays the secondary game symbols that accumulated by a player in the secondary game, and the number of accumulated secondary game symbols are predetermined or randomly determined, and each secondary game symbol accumulated by the accumulator is a

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different symbol and is arranged in predetermined order. Graham, in col. 2:25-26, discloses " the trigger condition may be the appearance of *three scatter* symbols anywhere on the display".

Graham is disclosing that the *scatter* symbols are an accumulation of symbols that are not necessarily on a particular pay line. The scatter symbols may fall on the same pay line, which would also be a symbol combination. This feature discloses the claim limitation of having a re-triggering accumulation symbols and re-triggering symbol combinations.

Graham lacks in disclosing accumulating at least two secondary game symbols in at least two activations of the secondary game. Hedrick, in an analogous invention, teaches, in col. 21:55-67 and col. 22:1-40, accumulating at least two secondary game symbols in at least two activations of the secondary game. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hedrick into the disclosed invention of Graham. One would be motivated to combine the teachings of Hedrick with the disclosed invention of Graham in order provide players with multiple opportunities to re-trigger the bonus game and heighten the overall excitement of the game.

Claims 2, 6, 7, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Hedrick in further view of Demar et al. (6,203,429).

The disclosures of Graham and Hedrick have been discussed above and are, therefore, incorporated herein. However, Graham and Hedrick lack in disclosing the secondary game and the primary game employ the same triggering symbols, employ at least one of the same triggering symbols, employ a plurality of the same triggering symbols, and the bonus triggering symbol occurs more frequently in the bonus game than the bonus triggering symbols. Demar, in an analogous gaming machine, teaches, in col. 4:8-19, col. 5:40-42 & col. 6:27-29, the basic

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game can be any type of game of chance. Typically it will be a spinning reel slot machine, a video poker game or similar type of game suitable for wagering. In the basic game, some event, or sequence of outcomes, which occur at a low frequency, permits the playing of the bonus game. The bonus game is another game of chance with a generally high hit rate (i.e., the probability that a player will win rather than lose). The hit rate of at least one of the trials in the bonus game, according to the present invention, should be greater than 50%. When a trigger event occurs in the base game, play switches to the bonus game. The basic game is played on the spinning reels of the slot machine 10, while the bonus game is played on the dot matrix display 32. The basic game has typical symbols such as Cherry, Single Bar, Double Bar and Triple Bar spaced on the reel strips 14, 16 and 18. The symbols used in the bonus game are Cherry, Single Bar, Double Bar, Triple Bar, Blue 7 and Red 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Demar into the disclosed inventions of Graham and Hedrick. One would be motivated to combine the teachings of Demar with the disclosed inventions of Graham and Hedrick in order to, provide gaming players with higher payouts in bonus games and heighten the exhilaration of the game.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Hedrick in further view of Walker et al. (USPN 6,533,658).

The disclosures of Graham and Hedrick have been discussed above and are, therefore, incorporated herein. However, Graham and Hedrick lack in disclosing operating the primary and secondary games through the Internet. Walker, in an analogous gaming machine, teaches, in col. 3:8-16, gaming device 100 comprises conventional components, with the exception of card database 300. For purposes of better illustrating the invention, standard components, well known

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to those skilled in the art, are described only briefly. Although the present embodiment of the invention is described as implemented with physical components, the invention applies equally well to and includes software embodiments such as would be implemented on the Internet and other computer data networks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walker into the disclosed inventions of Graham and Hedrick. One would be motivated to combine the teachings of Walker with the disclosed inventions of Graham and Hedrick in order to, allow gaming data flow to be monitored by servers, improve the security of the gaming machines, and increase the excitement of the gaming environment.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-5, 8, 9, 11-19 and 21-24 have been considered but are moot in view of the new ground of rejection.

Applicant's arguments filed 08/26/2004 have been fully considered but they are not persuasive. The Applicant argues that Graham does not disclose an accumulator or the accumulation of symbols. The Examiner respectfully disagrees. Graham is disclosing that the *scatter* symbols are an accumulation of symbols that are not necessarily on a particular pay line. The symbols can appear anywhere on the displayed reels and requires that a sum of three symbols appear on the displayed reels in order to re-trigger the bonus game (col. 2:24-25). This feature discloses the claim limitation of having a re-triggering accumulation symbols and re-triggering symbol combinations.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (571) 272-4439. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached at (571)272-7147. The USPTO official fax number is (703) 872-9306.

RM

RM
November 21, 2004



XUAN M. THAI
PRIMARY EXAMINER

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